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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,774	10/13/2000	Daniel Garfinkel	4079.03US1	1066

27479 7590 06/02/2005

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/02/2005

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/687,774  
Filing Date: October 13, 2000  
Appellant(s): GARFINKEL ET AL.

\_\_\_\_\_  
Christopher S. Crawford  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 3/7/05.

*mu*

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-20 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6,342,906 KUMAR ET AL. 2-1999

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al., 6,342,906 filed (2/2/99). This rejection is set forth in a prior Office Action, mailed on 7/8/2004.

**In reference to independent claim 1**, Kumar teaches:

The data in the shared workspace can be anything; e.g., a spreadsheet, an image, a simple text file, a text document, a drawing, a project schedule, a three dimensional view, or any custom data (compare to “*a note creation module which captures an electronic note associated with a change in a three dimensional model of said CAD application*”). See column 3, lines 45-50.

The workspace taught by Kumar provides a reasonable suggestion of a creation module, which captures various forms of data for display to multiple users in a collaborative environment. When the user is in edit mode, a change made to a three dimensional figure in a collaborative environment provides the suggestion of a note associated with a three-dimensional model. The change is captured and shared in a workspace for others to observe.

The reference does not explicitly disclose a CAD application; however, the three-dimensional view and the drawings that are provided as examples by the primary reference, suggest similar features of CAD applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collaborative techniques taught by Kumar and utilized the three-dimensional views to provide CAD applications within the view for modifications and giving the user the added benefit of CAD design tools.

After entering the edit mode, the user's input is handled directly by the application itself. Upon pressing an appropriate icon, the depressing suggests a retrieval mode as the user's input is handled directly by the application itself and is associated with a specific data file (compare to "note retrieval module for retrieving and displaying said captured note with a display screen of said three-dimensional model, that existed when the note was generated, using said associated data file").

**In reference to dependent claim 2, Kumar teaches:**

The user provides conditions to determine what mode the user chooses to work in. Each participant can work with the annotation layer or the workplace, depending on the choice of his or her mode. The choice may be the participant's alone, or it may depend on other participants. See column 10, lines 25-45. The reference suggests a query condition provided to determine a mode and associating the drawing with this specific mode.

**In reference to dependent claim 3, Kumar teaches:**

A user will be engaged in discussing the shared workspace data with others. This will involve viewing different parts of the work space, pointing to some part of the work space, marking over a portion using a pen or some other drawing tool, or *writing some annotating text over some portion* of the work space. See column 3, lines 60-67.

**In reference to dependent claim 4, Kumar teaches:**

The invention provides a mechanism for a consistent, real time collaboration environment in which any type of data can be shared in a common workspace. Users connected to the system and engage in a collaborative session sharing a common workspace that is presented via each user's computer connected through a network. See column 3, lines 40-55.

**In reference to independent claim 5, Kumar teaches:**

The data in the shared work space can be anything; e.g., a spreadsheet, an image, a simple text file, a text document, a drawing, a project schedule, a three dimensional view, or any custom data (compare to “*a note creation module which captures an electronic note associated with a change in a three dimensional model of said CAD application*”). See column 3, lines 45-50. The workspace taught by Kumar provides a reasonable suggestion of a creation module, which captures various forms of data for display to multiple users in a collaborative environment. When the user is in edit mode, a change made to a three dimensional figure in a collaborative environment provides the suggestion of a note associated with a three-dimensional model. The change is captured and shared in a workspace for others to observe.

Collaborative environment provides the suggestion of a note associated with a three-dimensional model. The change is captured and shared in a workspace for others to observe.

The reference does not explicitly disclose a CAD application; however, the three-dimensional view and the drawings that are provided as examples by the primary reference, suggest similar features of CAD applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collaborative techniques taught by Kumar and utilized the three-dimensional views to provide CAD applications within the view for modifications and giving the user the added benefit of CAD design tools.

After entering the edit mode, the user's input is handled directly by the application itself. Upon pressing an appropriate icon, the depressing suggests a retrieval mode as the user's input is handled directly by the application itself and is associated with a specific data file (compare to “note retrieval module for retrieving and displaying said captured note with a display screen of

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said three-dimensional model, that existed when the note was generated, using said associated data file”).

**In reference to dependent claim 6, Kumar teaches:**

The input layer tags the modification by their mode by discussion, input layer related modifications by control and then sends the modifications in sequence order over a communication means to the serializing mechanism for the collaboration session. See column 9, lines 13-20.

**In reference to dependent claim 7, Kumar teaches:**

The user provides conditions to determine what mode the user chooses to work in. Each participant can work with the annotation layer or the workplace, depending on the choice of his or her mode. The choice may be the participant's alone, or it may depend on other participants. See column 10, lines 25-45. The reference suggests a query condition provided to determine a mode and associating the drawing with this specific mode.

**In reference to dependent claim 8, Kumar teaches:**

A user will be engaged in discussing the shared workspace data with others. This will involve viewing different parts of the work space, pointing to some part of the work space, marking over a portion using a pen or some other drawing tool, or *writing some annotating text over some portion* of the work space. See column 3, lines 60-67.

**In reference to dependent claim 9, Kumar teaches:**

The invention provides a mechanism for a consistent, real time collaboration environment in which any type of data can be shared in a common workspace. Users connected to the system

and engage in a collaborative session sharing a common workspace that is presented via each user's computer connected through a network. See column 3, lines 40-55.

**In reference to dependent claim 10, Kumar teaches:**

Viewing different parts of the work space, pointing to some part of the work space, marking over a portion using a pen or some other drawing tool, or writing some annotating text over some portion of the work space. See column 4, lines 1-5.

**In reference to dependent claim 11, Kumar teaches:**

A participant in a collaborative session will be engaged at any time in one of multiple distinct modes of activity as related to the shared workspace. See column 3, lines 60-63.

In reference to dependent claim 12, the control modification can change the available options on the display bar of the input layer. The control modifications can change and/or restrict the modes available to any client. The authority to make and send such control modifications may be vested in a subset of collaboration participants. See column 9, lines 5-17.

**In reference to claims 13-20, the claims reflect the system comprising computer readable instructions used for performing the methods as claimed in claims 1-12, respectively, and in further view of the following, is rejected along the same rationale.**

### ***Response to Arguments***

5. In response to appellant's argument that there is no suggestion within the primary reference of a functional relationship between storing and retrieving notes and associated data files, the Examiner strongly disagrees with the arguments within the appellant's appeal brief. More importantly, the Examiner believes the claims fail to provide the explicit language required



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to sustain the arguments presented in appellant's appeal brief. Without the explicit claim language present, the claims, when interpreted as a whole, do not preclude the prior art features from teaching a note that includes some type of CAD (three dimensional drawing). The appellant argues on page 4 of the appeal brief that '*the captured note is separate and distinct from the three-dimensional model of the CAD application*'. The argument goes on to state, '*A functional relationship between the note and the CAD application is recited in the note storage module and the note retrieval module*'. The claim language of independent claim 1 fails to neither state nor properly convey the '*functional relationship*' between the note and the CAD application. Moreover, the ambiguous nature of the 'functional relationship' leaves the limitations open to many different interpretations to one of ordinary skill in the art. The primary reference, Kumar, provides a collaborative session presented via each user's computer connected through a network. The data in the shared work space can be anything; e.g., a spreadsheet, an image, a simple text file, a text document, a drawing, a project schedule, a three dimensional view, or any custom data. See column 3, lines 40-52. Therefore, the data in the shared workspace suggests a CAD drawing within the collaborative environment. Furthermore, the reference provides relevant data structures associated with the underlying application. It is precisely this application that suggests an associated data file for later retrieval. As presently claimed, the only requirement for the data file is that it has to somehow be associated with the note. If the user edits the drawing and the underlying application is not synchronized with the other users within the workspace then the drawing must be stored through the utilization of a data structure and the related application. Because the claim limitations, as presently stated, do not describe the data

file or how it is associated with the note, the underlying application file provides a proficient suggestion of '*an associated data file for later retrieval*'.

With reference to the arguments on page 6 of the appellant's appeal brief regarding dependent claim 2, the Examiner points to Kumar, column 9, lines 3-41. More, specifically, the reference discloses the control modifications can change the available options on the display bar of the input layer. The control modifications can change and/or restrict the modes available to any client. The process begins by receiving the user input in. The reference suggests query conditions for the retrieval of user input and new segments within the note retrieval methods of Kumar.

In reference to appellant's arguments on page 6 of the appeal brief regarding dependent claims 5 and 13, the data file stated within the limitations of both claims do not preclude the prior art features from utilizing the underlying data file associated with the different types of application that could be used to provide a means of associating a note and displaying a modified drawing or three dimensional view, or any other type of custom data. Finally, the functional relationship described by the appellant on page 6 of the arguments lacks the support when relying solely on the explicit language as presently claimed.

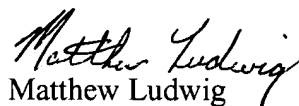
Because the user is allowed to edit data associated with an application, the reference suggests an association between a note and an application file. The underlying application file must allow for the presentation of the last modified drawing, so that all users within the workspace have the ability to view the last drawing captured within the application. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collaborative techniques taught by Kumar and utilized the three-dimensional

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drawings to provide CAD applications within the custom data as taught by Kumar which would have given the user the added benefit of utilizing different applications data files (drawing, spreadsheet, text file, etc.) for distributing data to multiple users for viewing and updating. The Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
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May 27, 2005

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